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Women as Jurors in Divorce and Murder Cases Bring Out Diverse Opinions on Advisability

Attorney's office, would give Judges the power to exclude women.

Many of Sex Say They Should Serve No Matter How Unpleasant the Testimony nor How Gruelling the Ordeal of Deciding on Life or Death---Others, Both Men and Women, Believe Feminine Voters Should Be Spared Embarrassment and Pain by Exclusion in Certain Actions

AS a sex women are ready and willing to serve their country and their fellow citizens by taking their places in the jury box. British authors may reil at the indecency and unpleasantness to which they may be subjected in the trial of certain cases, but few women will flinch if civic duty calls.

A woman, not being permitted this liberty, gains a keener moral sense.

"Why a divorce trial should be any more shocking to a woman than to a man I cannot understand. There are murder trials where the evidence produced is equally unpleasant. Why draw the line at divorce?"

One or two of those interviewed for the purpose of learning the consensus do cling to the old fashioned anti-suffragist notions about women holding themselves aloof from and closing their ears to the details of life's many tragedies as told on the witness stand. But their number is

few.

The others, who are in the great majority, advance the opinion that a mixed gathering in a jury box would become a factor in the destruction of the double standard of morals.

Limit the jury women, for the present, to married women, suggests another. It would make it less embarrassing in the case of a divorce trial. Still another feminine voters pooh-poohs this suggestion and advocates calling only mature women to jury service.

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Almost every woman questioned on the subject, which has aroused such feeling in England, where six women sat with six men in the jury box during the hearing of a divorce case where the counsef for one side declared he had had to suppress a part of the evidence because of the presence of the women, expressed herself as willing to serve whenever called upon. These women, representing the various political parties and club activities, point with pride to the State of New Jersey, which has already called its recently enfranchised for hearing of both civil and criminal actions.

Men whose opinions were asked, in-

Men whose opinions were asked, including Justices of the Supreme Court, magistrates and prominent lawyers, differed in their views as to the advisability of women serving on juries in criminal

cases.

In a bigamy case tried recently in England the defendant objected to having four women on the jury and his objection was upheld. In replacing the women jurors by men the Judge said the objection to women and his action in upholding it should not be taken as a slight to

SS HELEN VARICK BOSWELL, associate chairman of the Republican County Committee, looks forward to the time when New York State will be eligible for jury duty. assume this responsibility," she said, "but only women of mature age should serve. It would not be right to summon immature girls. Women could thus be used to great advantage in the operation of our laws. Women should be willing to serve the State in this way. First try them in the civil courts and then call them for service in the

"Women jurors have acquitted themselves with credit in New Jersey. The Judge and the attendants and the counsel were full of praise for their first efforts in rendering

"I don't see that a divorce trial should make any difference in the selection of a is just as fair to have a divorce case tried by six men and six women as by twelve men. As there must be a woman in every divorce case, why should not wom-en sit in fudgment? And if there is a corespondent, this person may or may not be a woman, so why should not a representaassist in determining the merits of the

Mrs. Shuler Sees No Reason

To Draw Line on Divorce Cases Mrs. Frank E. Shuler of the National merican Woman Suffrage Association said that one reason for having women on juries is the fact that women are constantly being thrown with men; they work with men in office buildings; they are associated with them at home, as fathers, brothers or husbands, and they meet them every-where. "But I have an idea we will get to that gradually," she said. "It is always that way with any change. Women will begin by serving on juries composed en-tirely of their own sex and when they have acquired experience they will be asked to serve on mixed juries.

"For generations the world has believed in the double standard of morals and that men were ever so much worse than women. That is taken for granted. Yet there are almost as many decent minded men as women. A man must sow his wild oats.

pleasant. Why draw the line at divorce?"

Miss Laura Skinner, member of the women's executive committee of the Republican State Committee, is not ready to see women occupying a place in the jury box. "I look upon women as competent to serve on juries of any kind," she declared, "but do they want to be called on to decide all sorts of cases? I deplore the fact that If they serve at all they must come in contact with crime and divorce. Men and women are equals mentally, but not physi-

I have been a suffrage worker, I never believed that women should be subjected

to the nervous experiences that men are." Mrs. Lillian R. Sire, president of the Women's Democratic Political League, beto understand. Only rot exists in the darkness and when it is brought out into the light it is killed. It is a mistake to keep women in ignorance for fear a little knowl-

"Women always take the moral side of any question. We are supposed to have much more backbone than men, greater moral stamina. Then if we have why should it not be made useful to the State through jury service, even in crime and

Miss Mary Wood, chairman of the legislative committee of the New York City Federation of Women's Clubs, feels that women should be called to their full responsibilities and serve on a jury whenever summoned. "I have looked up all the statements published about the way women have acquitted themselves in the jury box and the majority of the Judges speak very highly of the new jurors," she said. "Women wanted the vote and now they have it and with its possession should come a fuller knowledge and participation in the Mairs of the State.

"There is one point I think needs some onsideration by Judges, jurors, clerks and others connected with the courts, and that is providing special rooms for women where the jury has to go over the evidence offered In a case far into the night or when the jury is locked up. It might be embarrassing have a mixed jury in such instances Though' it isn't any worse for men and women to sit up all night fighting over a verdict than at a jazz cafe.'

Mrs. John Booth, first vice-president of the New York State Federation of Women's Clubs, is thoroughly in sympathy with the movement to place women in the jury box. "There is no part of the duties of citizen-ship women should try to evade," she de-"They should not hesitate to serve and should welcome a change of legislation which would make women eligible for jury service in this State."

Mrs. George H. Childs, president of the Women's Democratic Club, declared that she is anxious to serve on a jury. "We

cally. Even in my suffrage arguments, and wanted the vote," she said, "and now are we going to sit down complacently and let the other voters go and serve in our places? Every woman should be compelled to serve when summoned, except, of course, where there are special reasons for excusing her. lleves that women are just as capable of It's a fifty-fifty arrangement that we judging cases as men. "I do not think wanted; now let us accept it if it is offered that anything occurs in the world of affairs to us. I believe in insisting that women desired, not barring divorce or murder. The day has gone by when we can hide behind the men and let them assume our re-

> ould not be following the free spirit of America. Limit those who serve to women of mature age, say, possibly a woman

> Annette Abbot Adams Would Accept Jurors Regardless of Sex

Annette Abbot Adams, first woman to hold the important position of Assistant Attorney-General of the United States, believes that sex has no place in the court room. It is her opinion that since the extension of the suffrage to women has placed them on an equal footing politically with men there is no reason why there should not be mixed juries of men and women, regardless of whether the cases be murder. divorce or others involving more serious

moral and sex questions.
"Mixed juries," said Mrs. Adams in response to a question by a New York Her-ALD correspondent, "certainly if they come that way. Take them as they come out of the box, whether they be all men, all women or mixed. A juror is a 'person,' not a male or female.

"As to this moral issue in mixed juries that is being waved like a red flag, I think body's morals are going to be ruined by facing facts together. And besides, parlor talk doesn't leave many fresh shocks for

A quizzical expression came over Mrs. Adams's face as she added that you couldn't keep the women out of the court room any-way. If they were carefully "protected" out of the jury box, you would find them as defendant, plaintiff or on the witness stand and always in the audience till the

Mrs. Adams believes that, since we live in a mixed world of men and women, the only way to get a really representative jury

Woman Judge Approves Mixed Juries

Judge Florence E. Allen (at left below says women should serve; Justice Cohalan favors some discrimination; Annette Abbot Adam

Assistant United States Attorney-General, would disregard sex question; George Gordon Battle (at extreme right), formerly in the District

BELIEVE that in practically every kind of case tried to a jury, civil and criminal, women may serve together with men as jurors, the furtherance of substantial justice.

One great hindrance to the proper conduct of the ordinary trial is the difficulty of securing intelligent jurors. Having women serve upon the jury more than doubles the number of intelligent citizens available for jury service. This is true because, with the exception of the women with young children, women of education and intelligence have more leisure, relatively, than men of equal education and intellience. We therefore should use women for jury service unless some obvious disadvantage arises from their use.

In my experience, which has been confined wholly to criminal courts, no disadvantages have arisen from the use of women on mixed juries. I know of no instance in which the women have failed to cooperate with the men upon the juries. We do not, in Ohio, try divorce cases to a jury, but I have had women in cases involving robbery, burglary and murder. They are extremely attentive and follow the evidence with conscientious interest. The men jurors have commented favorably upon their work, and in general the women who have served upon my mixed juries have given excellent satisfaction.

FLORENCE E. ALLEN, Judge of Court of Common Pleas, Cleveland, Ohio.

"Not that the mixing should be compul- over night are comparatively few and far ory," said Mrs. Adams. "It would be in- between," advisable to have any regulations at all as to how many men or how many women there shall be on any jury. That would emphasize again the thing that I have steadfastly opposed, privately and publicly—sex in citizenship. The number of men or women on any specific jury should be left to work itself out, subject to the usual weeding by challenges, peremptory or otherwise. There is no more necessity for stipulating the proportion of men and women than the proportion of professional men to day laborers, or native born to naturalized."

Nor does Mrs. Adams believe in special exemptions or privileges for women talesmen. She successfully opposed the incorporation of any such in the amendment to the California Constitution which was necessary in order to make women eligible to lury duty. Nor would she grant the validity of any practical objections to mixed juries in cases which required locking up

"The way this is handled in California," she said, "is for the Sheriff to go out and get a suite of rooms at a hotel. Then he wise and keeps the keys. And I never heard that it made any difference to the Sheriff whether he locked up men or women in the respective rooms. Besides, the cases that necessitate keeping juries locked up

"I not only believe in jury duty for women as a civic duty, only too sadly neglected by men," added Mrs. Adams, "but young girl."

because of its wonderful educational value to the women themselves."

Mrs. Axel O. Ihlseng, president of the Century Theatre Club, gave her views as

"To me it seems so perfectly absurd that there should be any objection to women serving on juries that I cannot understand the point of view of the opposition. Women have to take their place in the world, they have to face life and death, the care of the home, the rearing of children, side by side with men, so why not look in the same straightforward way at their responsibilities of citizenship? It's just mawkish sentimentalty to disapprove of women as jurors.

"I would not accept for jury service girls or boys just out of high school. Lawyers and Judges have the privilege of exercising some control over the personnel of the jury. They could use the same discriminatory power in the case of women, I'd serve if I were called."

Mrs. Jeannette G. Brill, president of the Brooklyn Women's Bar Association, has publicly expressed herself on the subject of women jurors. She points out some of the objections advanced in this State to women being called upon for such service, saying the opposition is found almost entirely up State. The legislators from those districts say they are opposed because would be difficult for the farmers' wives to leave home and travel perhaps a long distance to the county seat for jury service. These legislators are suggesting that a bill to remove the restriction in this State against women jurors should be so worded as to make it a permissive measure.

Mrs. Brill advances the argument in favor of jury service by women that it would prove vastly educational. "In the first place," says Mrs. Brill, "Jury service would broaden their legal knowledge, and this would be helpful in their everyday dealings with tradesmen, landlords and others. Mothers with court experience would learn to be far more careful of their young daughters. Having had examples before their own eyes they would realize better some of the dangers that beset the path of the

Men of Bench and Bar Give Their Views

USTICE DANIEL F. COHALAN of the sponsibilities of citizenship could hardly extook the position that the sense of chivalry which is shown toward women would prevent their being compelled to belong to juries before which salacious divorce cases are being discussed.

York State there is only one ground for divorce—that of infidelity—every divorce case must have what may be interpreted as an element of salaciousness. On account a woman might well ask to be excused from serving on such a jury on the ground of sex."

There are cases, in the opinion of the Justice, however, in which women could serve as jurors with men without being placed in any embarrassment.

Frederic R. Coudert Favors

Juries to Include Women Frederic R. Coudert, a distinguished member of the Bar of this city, who has also had a wide experience abroad, said that women as they came into all the re-

Supreme Court of New York County pect to escape jury duty. Whether or not they served with those of their own sex or with men jurors seemed to him immaterial. Their presence in divorce cases would be expected, in that often in such cases women appeared as parties to the action or as

giving testimony.
"Domestic infidelity exists," he continued. "and it is bound to come to the notice of the tribunals. Why then, should not women of proper age and high intelligence, who have so intimate a knowledge of those matters which affect the home, be called upon to pass upon such matters?

'It is a false standard and one of prudery which we have inherited from another state of society which dictates any other course. The indecency lies rather in the attempted concealment, in the disguising of facts of elementary social life rather the in their frank discussion, especially when necessary to effect justice and to bring

about a better state of affairs. "The much studied ignoring of the so-

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